

REMARKS

This Application has been carefully reviewed in light of the Decision on Appeal dated September 26, 2007. Claims 1-20 are currently pending in this Application. In order to advance prosecution of this Application, Claims 1, 4-8, 10, and 14-17 have been amended and Claims 21-25 have been added. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smyk in view of DSL Forum TR-036. Independent Claims 1, 14, and 21 recite in general a gateway operable to receive signaling information in a media gateway and call session control format, the gateway operable to convert the media gateway and call session control format to a broadband loop emulation service signaling protocol, the gateway operable to provide dial tone generation, hook flash detection, caller identification generation, digit collection, call progress tones, and tone detection capabilities, wherein the gateway determines which of the capabilities to perform from the signaling information. By contrast, the Smyk patent does not disclose a gateway that converts a media gateway and call session format to a broadband loop emulation service signaling protocol while also providing the various capabilities and determining from the signaling information which of the capabilities to perform as required by the claimed invention. The Smyk patent has no disclosure with respect to a broadband loop emulation service signaling protocol. Moreover, the Examiner readily admits that the Smyk patent fails to teach the various capabilities recited in the claim as being performed at the gateway. The Smyk patent has a capability being performed at a Class 5 switch and not a gateway as required by the claimed invention. The DSL Forum

TR-036 specification merely mentions broadband loop emulation service and does not provide any disclosure with respect to the capabilities that can be performed at the gateway. In addition, Claims 5, 16, and 23 recite in general an ability to place voice signals into data packets for transfer to an Internet Protocol network with the signaling information to establish a call connection from a public switched telephone network user to an Internet Protocol network user and eliminate coupling of the Class 5 softswitch to the Internet protocol network. By contrast, neither the Smyk patent nor the DSL Forum TR-036 specification disclose such a capability. Therefore, Applicant respectfully submits that Claims 1-20 are patentably distinct from the proposed Smyk - DSL Forum TR-036 combination.

The Commissioner is hereby authorized to charge the Request for Continued Examination fee of 37 C.F.R. §1.17(e) of \$405.00 to to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

CONCLUSION


Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the printed name.

Charles S. Fish

Reg. No. 35,870

November 26, 2007

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 05073